



General Assembly

February Session, 2004

Raised Bill No. 5526

LCO No. 1703

01703_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING THE REAL ESTATE CONVEYANCE TAX AND
HARBOR MANAGEMENT PLANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-494 of the general statutes, as amended by
2 section 40 of public act 03-2, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) There is imposed a tax on each deed, instrument or writing,
5 whereby any lands, tenements or other realty is granted, assigned,
6 transferred or otherwise conveyed to, or vested in, the purchaser, or
7 any other person by his direction, when the consideration for the
8 interest or property conveyed equals or exceeds two thousand dollars,
9 (1) subject to the provisions of subsection (b) of this section, at the rate
10 of five-tenths of one per cent of the consideration for the interest in real
11 property conveyed by such deed, instrument or writing, the revenue
12 from which shall be remitted by the town clerk of the municipality in
13 which such tax is paid, not later than ten days following receipt
14 thereof, to the Commissioner of Revenue Services for deposit to the
15 credit of the state General Fund, and (2) at the rate of one-fourth of one
16 per cent of the consideration for the interest in real property conveyed

17 by such deed, instrument or writing, and on and after July 1, 2004, at
18 the rate of eleven one-hundredths of one per cent of the consideration
19 for the interest in real property conveyed by such deed, instrument or
20 writing, provided the amount imposed under this subdivision shall
21 become part of the general revenue of the municipality in accordance
22 with section 12-499.

23 (b) The rate of tax imposed under subdivision (1) of subsection (a) of
24 this section shall, in lieu of the rate under said subdivision (1), be
25 imposed on certain conveyances as follows: (1) In the case of any
26 conveyance of real property which at the time of such conveyance is
27 used for any purpose other than residential use, except unimproved
28 land, the tax under said subdivision (1) shall be imposed at the rate of
29 one per cent of the consideration for the interest in real property
30 conveyed; and (2) in the case of any conveyance in which the real
31 property conveyed is a residential estate, including a primary dwelling
32 and any auxiliary housing or structures, for which the consideration in
33 such conveyance is eight hundred thousand dollars or more, the tax
34 under said subdivision (1) shall be imposed (A) at the rate of one-half
35 of one per cent on that portion of such consideration up to and
36 including the amount of eight hundred thousand dollars, and (B) at the
37 rate of one per cent on that portion of such consideration in excess of
38 eight hundred thousand dollars; and (3) in the case of any conveyance
39 in which real property on which mortgage payments have been
40 delinquent for not less than six months is conveyed to a financial
41 institution or its subsidiary which holds such a delinquent mortgage
42 on such property, the tax under said subdivision (1) shall be imposed
43 at the rate of one-half of one per cent of the consideration for the
44 interest in real property conveyed.

45 (c) In addition to the tax imposed under subsection (a) of this
46 section, [any targeted investment community, as defined in section 32-
47 222, or any municipality in which properties designated as
48 manufacturing plants under section 32-75c are located, may, on or after
49 March 15, 2003, but prior to July 1, 2004, impose] there is imposed an

50 additional tax on each deed, instrument or writing, whereby any lands,
51 tenements or other realty is granted, assigned, transferred or otherwise
52 conveyed to, or vested in, the purchaser, or any other person by his
53 direction, when the consideration for the interest or property conveyed
54 equals or exceeds two thousand dollars, which additional tax shall be
55 at the rate of one-fourth of one per cent of the consideration for the
56 interest in real property conveyed by such deed, instrument or writing.
57 [The] Notwithstanding the provisions of section 12-499, revenue from
58 such additional tax shall [become part of the general revenue of the
59 municipality in accordance with section 12-499] be deposited in a
60 special fund established in the municipality pursuant to section 2 of
61 this act.

62 Sec. 2. (NEW) (*Effective July 1, 2004*) (a) Each municipality shall
63 establish a special fund, which shall be used for open space purposes,
64 including, but not limited to, farmland preservation, brownfields
65 reclamation and the purchase and development of public recreational
66 areas. There shall be deposited in said fund (1) all moneys received by
67 the municipality under subsection (b) of section 12-494 of the general
68 statutes, as amended by this act, and (2) all moneys appropriated to
69 said fund by the municipality.

70 (b) Annually, the treasurer or other officer having custody of said
71 fund shall submit to the legislative body of the municipality a
72 complete and detailed report of the condition of said fund, which
73 report shall be made a part of the annual municipal report.

74 Sec. 3. Subsection (b) of section 22a-113n of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective from*
76 *passage*):

77 (a) The plan shall identify existing and potential harbor problems,
78 establish goals and make recommendations for the use, development
79 and preservation of the harbor. Such recommendations shall identify
80 officials responsible for enforcement of the plan and propose
81 ordinances to implement the plan. The plan shall include, but not be

82 limited to, provisions for the orderly, safe and efficient allocation of the
 83 harbor for boating by establishing (1) the location and distribution of
 84 seasonal moorings and anchorages, (2) unobstructed access to and
 85 around federal navigation channels, anchorage areas and harbor
 86 facilities, and (3) space for moorings and anchorages for transient
 87 vessels.

88 (b) The plan may recommend: (1) Boundaries for development areas
 89 to be approved and established by the Commissioner of
 90 Environmental Protection in accordance with the provisions of section
 91 22a-360; (2) designations for channels and boat basins for approval and
 92 adoption by the Commissioner of Environmental Protection in
 93 accordance with the provisions of section 22a-340; (3) lines designating
 94 the limits of areas for the location of vessels with persons living aboard
 95 to be approved and adopted by the director of health in accordance
 96 with section 19a-227; (4) pump-out facilities, including the designation
 97 of no discharge zones in accordance with Section 312 of the federal
 98 Clean Water Act; [and] (5) regulations for the operation of vessels on
 99 the harbor pursuant to the provisions of section 15-136; (6) standards
 100 and criteria for the construction and location of private residential
 101 docks and piers; and (7) standards and criteria for the management of
 102 scenic resources and visual impacts within the waters of the
 103 municipality. Upon adoption of the plan, any recommendation made
 104 pursuant to this section shall be binding on any official of the state,
 105 municipality or any other political subdivision when making
 106 regulatory decisions or undertaking or sponsoring development
 107 affecting the area within the commission's jurisdiction, unless such
 108 official shows cause why a different action should be taken.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>from passage</i>

Statement of Purpose:

That the real estate conveyance tax be increased and that the increase be deposited into a special fund in each municipality to be used for open space purposes, including, but not limited to, farmland preservation, brownfields reclamation and the purchase and development of public recreational areas and that harbor management plans include provisions for private residential docks and the management of scenic resources and visual impacts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]